

EXHIBIT

A

DAVID W. SHAPIRO ■

MARTHA BOERSCH ■

LARA KOLLIOS ■

FARHA RIZVI ■

November 27, 2017

*Via CM/ECF*

Honorable William H. Alsup  
San Francisco Courthouse  
Courtroom 12 – 19<sup>th</sup> Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: *Waymo LLC v. Uber Technologies, Inc., et al.*; Case no. 17-cv-0939-WHA

Dear Judge Alsup:

We represent Richard Jacobs, who is not a party to the above-captioned matter. On November 23, 2017, you filed an order requiring Mr. Jacobs to testify at the final pretrial conference on November 28, 2017 at 8:00 a.m. (Dkt. 2261). For the following reasons, we respectfully object to this Order.

We first learned of the Order at 6:13 a.m. Sunday morning, November 27, when we received a copy from our client.

Mr. Jacobs lives in Seattle and cannot arrive in San Francisco until approximately 8:00 p.m. tonight, leaving no time for us to adequately prepare him for testimony the next morning. Moreover, we have other matters that we must attend to this week, including an appearance before Judge Wilken tomorrow at 2:00 p.m. in *United States v. Crenshaw*, No. CR 11-00533-CW, a sentencing memorandum due Wednesday, November 29, in *United States v. Marr*, No. CR 14-00580-PJH, a reply brief in support of a motion to dismiss in *Kazakhstan v. Ketbaev*, No. CV 17-0246-LHK, due November 30, and a reply brief in support of a motion to dismiss in *Almaty v. Khrapunov, et al.* No. CV 14-3650-FMO, due next week.

Moreover, Mr. Jacobs met with the United States Attorney's Office and the Department of Justice on November 9, 2017, on a confidential basis pursuant to their request. We assumed the government's request was made in connection to a Federal Grand Jury investigation, the proceedings of which are protected under Federal Rule of Criminal Procedure 6(e). Mr. Jacobs' statements were made in that context. The Court's Order requiring a non-party to appear in a

public and highly publicized proceeding, while leaving counsel with no time to properly prepare Mr. Jacobs, is unwarranted and is inconsistent with the normal notice provisions of the Federal Rules of Civil Procedure.

Mr. Jacobs, myself, and my partner Lara Kollios will be present tomorrow morning pursuant to the Court's Order, but we reserve our objections and request a continuance for Mr. Jacobs' testimony to allow us sufficient time to determine whether Mr. Jacobs' testimony is necessary for the parties, and to meet with him to prepare for any such testimony.

We respectfully request that this letter not be filed publicly, consistent with the Court's treatment of the letter from the U.S. Attorney's Office.

Very truly yours,

A handwritten signature in black ink, appearing to be 'M. Boersch', with a stylized, cursive script.

Martha Boersch

Cc: Arturo J. Gonzales, Morrison & Foerster, Counsel for Uber Technologies, Inc.  
Charles Verhoeven, Quinn Emanuel, Counsel for Waymo LLC  
Matt Parella, Assistant United States Attorney, Northern District of California